

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 4453 Permit 2293 License 1922

**ORDER CORRECTING DESCRIPTION OF
POINT OF REDIVERSION
AND AMENDING THE LICENSE**

WHEREAS:

1. License 1922 was issued to Pacific Gas and Electric Company and filed with the County Recorder of Plumas County on March 22, 1939.
2. Permit 20643 was issued on October 20, 1992 pursuant to Application 29797. Permit 20643 affects the operation of the Pacific Gas and Electric's power generation project under licensed Applications 2195, 3889, 4441, 4453, 4491 and 6241.

Prior to the issuance of Permit 20643, water was conveyed to the Bucks Creek Power House from Lower Bucks Lake (a.k.a. Lower Bucks Creek Reservoir) via a tunnel on the South side (a.k.a. Bucks Creek Diversion Tunnel No. 2). Permit 20643 added the Grizzly Powerhouse which is located between Lower Bucks Lake and Bucks Creek Powerhouse. Water is conveyed via a new tunnel on the West end of Lower Bucks Lake.

3. Permit 20643 contains Condition 19 which prevents use of the tunnel on the South side of Lower Bucks Lake except under certain conditions. Licensed Applications 2195, 3889, 4441, 4453, 4491 and 6241 should be amended to contain the same condition.
4. The description of the point of rediversion at Lower Bucks Creek (a.k.a. Lower Bucks Lake) should be corrected.
5. The State Water Resources Control Board (SWRCB) has determined that said correction of the description of the point of rediversion and change in conveyance facilities will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown.

6. License condition pertaining to the continuing authority of the SWRCB should be updated to conform to Section 780(a), Title 23 of the California Code of Regulation.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description of the point of redirection at Lower Bucks Creek be corrected as follows:

North 84° 17' West 4,672.2 feet from the SE corner of Section 29, T24N, R7E, MDB&M, being within the SW¼ of SW¼ of said Section, also described as California Coordinate System, Zone 2, North 207,768 and East 2,216,652.

(0000002)

2. A new license condition be added as follows:

Licensee shall not use the existing Lower Bucks Tunnel (a.k.a. Bucks Creek Diversion Tunnel No. 2) for intermittent occasional releases down Grizzly Creek unless an extreme emergency such as a tunnel or penstock failure occurs. This condition shall not preclude authorized releases into Grizzly Creek for fishery purposes.

(0000300)

3. The continuing authority condition under this license be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

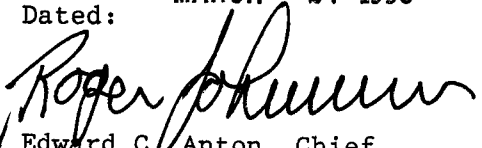
The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water uses against reasonable water requirements for the authorized project. No action will be taken pursuant to this

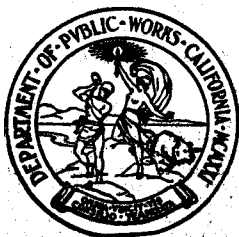
paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: MARCH 27 1995

for 
Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1922

PERMIT 2293

APPLICATION 4453

THIS IS TO CERTIFY, That Pacific Gas and Electric Company of San Francisco, California

has made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of Milk Ranch Creek in Plumas County

tributary of North Fork of the Feather River

for the purpose of generating power

under Permit 2293 of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from February 10, 1925;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed seven hundred thirty-six (736) acre feet per annum by storage to be collected from about January 1st to about June 15th of each season and to be diverted and used under the following limitations and conditions to wit:

(1) This appropriation is for use in conjunction with appropriations under Application 2195, License 1919, Application 3889, License 1920, Application 4441, License 1921, Application 4491, License 1923, Application 4598, License 1924, Application 4871, License 1925, and Application 6241, License 1926, to maintain a maximum daily average delivery of 350 second feet through Bucks Creek Power House using the following named facilities with capacities shown: Three Lakes Reservoir with a capacity of five hundred thirteen (513) acre feet; Milk Ranch Conduit with a capacity of sixty-five (65) cubic feet per second; Bucks Creek Reservoir with a capacity of one hundred one thousand nine hundred twenty-six (101,926) acre feet; Lower Bucks Creek Reservoir with a capacity of five thousand eight hundred forty-three (5,843) acre feet; Bucks Creek Diversion Tunnel No. 2 with a capacity of three hundred seventy-five (375) second feet; and Grizzly Creek Forebay with a capacity of eleven hundred twelve (1112) acre feet, said facilities being shown upon Drawing No. 47225 entitled, "Map and Profile of Bucks Creek Development Feather River Power Company, De Sable Division, Pacific Gas and Electric Company, San Francisco, California," dated June 13, 1933, and filed with the Division of Water Resources on July 10, 1933, as amended in accordance with letter from permittee dated October 9, 1933, filed with the Division of Water Resources on October 10, 1933.

(2) Insofar as practicable under normal operating conditions, the demand under these related appropriations will be supplied from the various sources involved in the following order of draft:

- (a) Direct diversion from Milk Ranch Conduit sources under Application 6241, License 1926.
- (b) Direct diversion from Grizzly Creek under Application 4491, License 1923, Application 4598, License 1924, and Application 4871, License 1925.
- (c) Direct diversion from Bucks Creek under Application 4491, License 1923.
- (d) Storage release from Three Lakes Reservoir under Application 4453, License 1922.
- (e) Storage release from Bucks Creek Reservoir under Application 2195, License 1919, Application 3889, License 1920, and Application 4441, License 1921.

The point of diversion of such water to storage in Three Lakes Reservoir is located N. 35°00' E. 4150 feet from the southwest corner of Section 5, T 24 N, R 7 E, M.D.B.M., being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 5.

Point of rediversion from Milk Ranch Creek is located N. 9° E, 3100 feet from southwest corner of Section 5, T 24 N, R 7 E, M.D.B.M., being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 5.

Point of rediversion from Bucks Creek is located S. 86°14'06" W. 4017.8 feet from the northeast corner of Section 32, T 24 N, R 7 E, M.D.B.M., being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 32.

Point of rediversion from Grizzly Creek is located N. 70°08'12" W. 2246 feet from the East quarter corner of Section 34, T 24 N, R 6 E, M.D.B.M., being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 34.

A description of the lands or the place where such water is put to beneficial use is as follows:

Bucks Creek Power House within NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, T 24 N, R 6 E, M.D.B.M.

The water is returned to the North Fork of the Feather River within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29, T 24 N, R 6 E, M.D.B.M.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that at any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs thereof, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and providing, further*, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this ~~twenty-first~~
day of February, 1939.

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy



LICENSE 1922

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO Pacific Gas and Electric Company

DATED February 21, 1939

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